

DISPUTE RESOLUTION

SECTION 1. DEFINITIONS

For purposes of this section, the following definitions shall apply:

“Act” refers to the “Electric Discount and Energy Competition Act,”(P.L. 1999, c.23.)

"Board" means the New Jersey Board of Public Utilities or any successor agency;

"Electric power supplier" means a person that is duly licensed pursuant to the provisions of this act to offer or provide electric generation service to retail customers, and includes, but is not limited to, load serving entities, marketers and brokers that offer or provide electric generation service to retail customers and any other entity that becomes subject to the provisions of the Act. The term excludes an electric public utility that provides electric generation service only as a basic generation service pursuant to section 9 of the Act;

"Electric public utility" means a public utility, as that term is defined in R.S.48:2-13, that transmits and distributes electricity to end users within this State;

"Gas public utility" means a public utility, as that term is defined in R.S.48:2-13, that distributes gas to end users within this State;

"Gas supplier" means a person that is duly licensed pursuant to the provisions of the act to offer or provide gas supply service to retail customers, and includes, but is not limited to, marketers and brokers. A non-public utility affiliate of a public utility holding company may be a gas supplier, but a gas public utility or any subsidiary of a gas utility is not a gas supplier. In the event that a gas public utility is not part of a holding company legal structure, a related competitive business segment of that gas public utility may be a gas supplier, provided that related competitive business segment is structurally separated from the gas public utility, and provided that the interactions between the gas public utility and the related competitive business segment are subject to the affiliate relations standards adopted by the board pursuant to subsection k. of section 10 of the Act.

SECTION 2. SCOPE

The following procedures are meant to meet the requirements of the Act, Sections 29e and 30e. These procedures can be initiated by an electric power supplier, a gas supplier, a gas public utility or an electric public utility ("utility"). These procedures should not be initiated until the parties have attempted, in good faith, to resolve the disagreement between themselves.

In addition, these procedures shall be followed with respect to voluntary informal disputes received by the Board involving an electric power supplier, a gas supplier, a gas public utility or

an electric public utility. However, these procedures are not meant to supplement any formal arbitration process which the electric power supplier, gas supplier and utility may have agreed to either as a contractual obligation or on a voluntary basis.

SECTION 3. ALTERNATE DISPUTE RESOLUTION (ADR)

- a) A written description of the issues in dispute must be filed with the Board by either the electric power supplier, gas supplier, gas public utility or electric public utility when a disagreement can not be resolved between the two parties. The complaint shall also be filed with the Ratepayer Advocate and the party with whom the disagreement exists. As part of the filing, the initiating party must provide detailed evidence that it has engaged in good faith negotiations with the answering party.
 - 1) The informal complaint should clearly state the issue or issues in dispute in separately numbered paragraphs and state clearly the resolution sought, including the complete factual and legal basis for the proposed resolution.
 - 2) Within 5 (five) business days of receipt of the informal complaint, the respondent and interested parties shall file a written response with the Board, including the complete factual and legal basis for their positions.
 - 3) Within five (5) business days of the receipt of the written responses, staff will request any additional information it deems necessary and, within ten business days of the receipt of the written responses, staff will:
 - i) schedule meetings and/or conference calls, as may be appropriate, with the interested parties and attempt to expeditiously mediate the complaint to the satisfaction of all interested parties or;
 - ii) Refer the matter to the ADR unit of the Division of Consumer Affairs.
 - 4) If the parties agree to a resolution of the matter, written evidence of the resolution may be placed on the Board's agenda.
 - 5) If the parties fail to agree to a resolution of the matter within 30 business days from the receipt of the informal complaint, staff will initiate a formal proceeding in accordance with the "Administrative Procedures Act".

2. ADR Fee Structure

With the informal complaint the party initiating the ADR process must include a check for \$100.00 payable to Treasurer, State of New Jersey.